

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

**ECF FILING**

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Docket No.: 05 Civ. 2961 (AKH)

LAURA VASQUEZ,

Plaintiff,

-against-

VERIFIED COMPLAINT  
AND JURY DEMAND

TRISTATE DEVELOPERS, INC., f/k/a  
RZ CONSTRUCTION CORP.  
SULIMAN ARIF, as Supervisor, and Individually,  
and JAMAL QUERESHI, as Supervisor,  
and Individually,

Defendants.

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Plaintiff, LAURA VASQUEZ, by her attorneys, GOODSTEIN & WEST, ESQS, as and  
for her Complaint, alleges:

**NATURE OF THE CASE**

This is an employment discrimination  
discrimination against plaintiff  
gender, and in retaliation against plaintiff, including  
plaintiff engaging in the protected activity  
of Title VII of the Civil Rights Act of 1964, 42 USC §2000e, as amended,  
Human Rights Law, N.Y. Executive Law §290, *et seq.*, and the New York City  
N.Y.C. Administrative Code, Title 8 §8-101, *et seq.* . Plaintiff seeks injunctive relief, compensatory  
damages and punitive damages against defendants.

**JURISDICTION AND VENUE**

A. Subject Matter Jurisdiction

1. This Court has jurisdiction over the federal claims pursuant to 28 U.S.C. §§1337, 1337, and 1343. This action is authorized and instituted, pursuant to 28 U.S.C. §§1337, 1337, and 1343. This action is authorized and instituted, pursuant to 28 U.S.C. §§1337, 1337, and 1343.

the Civil Rights as of 1964, as amended, 42 U.S.C. §2000e ("Title VII"), and the Civil Rights Act of 1991, 42 U.S.C. §1981A.

2. Supplemental jurisdiction over the state Supplemental jurisdiction over the state  
United Mine Workers v. Gibbs, 282 U.S. 715 (1966).

B. Venue

3. Venue is proper in this district, pursuant to 28 U.S.C. § 1391, since the claims alleged herein arise in the State of New York, all within the Southern District of New York.

PARTIES

4. Plaintiff, LAURA VASQUEZ ("Plaintiff"), resides at 1315 Amsterdam Avenue, New York, New York, in the County of New York, State of New York.

5. Upon information and belief, defendant TRISTATE DEVELOPMENT CONSTRUCTION CORPORATION ("RZ"), is a private corporation organized under the laws of the State of New York, with its offices in 264 Stanley Avenue, Staten Island, New York, and, at all relevant times, continually employed at least fifteen (15) employees.

6. Upon information and belief, defendant RZ is or industry affecting interstate commerce within their industry affecting interstate commerce.

VII

7. Upon information and belief, defendant Upon information and belief

The New York State and New York City Human Rights Laws.

8. At all times relevant herein, defendant SULIMAN At all times relevant herein, defendant S of defendant RZ CONSTRUCTION CORP., and Ms. VASQUEZ's immediate supervisor at the RZ CONSTRUCTION CORP. site in the Grant Houses complex, New York City, New York.

9 At all times relevant herein, defendant JAMAL At all times relevant herein, defendant JAMAL, an employee of defendant RZ CONSTRUCTION CORP., and employee of defendant RZ CONSTRUCTION CORP. site in the Grant Houses complex, New York City, New York.

### STATEMENT OF CLAIMS

#### A. Background

10. On April 10, 2003, Plaintiff filed a Complaint of Discrimination with the City Housing Authority Department of Equal Opportunity, Office of Employment Opportunity ( OEO ) alleging violations of Title VII by Defendants. On December 1, 2003, the OEO Probable Cause to believe Defendants discriminated Plaintiff. Plaintiff was notified of the determination on June 2, 2004.

11. On June 7, 2004, Plaintiff filed a Charge of Discrimination with the City Housing Authority Department of Equal Opportunity, Office of Employment Opportunity ( OEO ) alleging violations of Title VII by Defendant RZ CONSTRUCTION. (Copy of Charge of Discrimination attached as Exhibit "A" and incorporated herein.) It is now more than thirty days after the filing of the Charge of Discrimination, and on June 11, 2005, the E.E.O.C. issued its Notice of Right To Sue letter. (Copy annexed hereto as Exhibit "B" and incorporated herein.) This action has been brought within 90 days of the receipt of the Notice of Right to Sue. All conditions precedent to the institution of this lawsuit have been met.

#### B. Facts

12. Plaintiff is a female, born February 20, 1962, is employed by the City Housing Authority ( NYCHA ) development.

13. Plaintiff was a participant in the Section 3 Program of the Housing and Urban Development Act of 1968 ( Section 3 ).

14. Defendant TRISTATE f/k/a RZ was a subcontractor to the City Housing Authority contract with the NYCHA to repair exterior brickwork at Grant Houses in 2002-2003.

15. Defendant TRISTATE f/k/a RZ entered into a Resident Employment Program ( REP ) Hiring Summary Agreement ( REP ) Hiring Summary Agreement ( REP ) Hiring Summary Agreement to employ Section 3 resident workers as laborers under

16. Defendant TRISTATE f/k/a RZ agreed to Defendant TRISTATE f/k/a RZ agreed to work as laborers in New York City.

17. Plaintiff was hired by Plaintiff was hired by RZ Construction pursuant to defendant's obligations under the REP Hiring Summary Agreement with NYCHA.

18. Plaintiff worked as a construction laborer for Plaintiff worked as a construction formally known as RZ CONSTRUCTION CORP., commencing October 1, 2002.

19. Defendant TRISTATE f/k/a RZ also hired two Defendant TRISTATE f/k/a RZ  
Hiring Summary Agreement with NYCHA.

20. At all relevant times, Defendant ARIF was the site supervisor of Section At a workers at Grant Houses.

21. At all relevant times, Defendant QURESHI was the site manager at Grant Houses.

22. Commencing in or about Commencing in or about OcCommencing in or a  
BusinessBusiness IniBusiness InitiativeBusiness Initiatives ( DEBI ) that Defendant RZ was subjecting  
conditions at work than those given to male Section 3 resident workers of defendant RZ.

23. In or about March, 2003, Plaintiff reported to NYCHA that Defendant was not providing Plaintiff with equal work hours since Plaintiff was a full-time worker of defendant RZ.

24. On or about April 4, 2003, Defendant TRISTATE f/k/a RZ terminated her employment with defendant RZ.

25.25. On May 13, 2003, defendant RZ Construction was  
as a Section 3 resident worker in conjunction with the REP at Grant Houses.

26. By letter dated June 30, 2003, Plaintiff resigned from employment due to sexual harassment, unsafe working conditions and duress by defendants.

27. Commencing July 8, 2003, Darryl Bra  
hired by defendant RZ to replace Plaintiff.

28. At all relevant times herein, Plaintiff was the on  
employed by defendant TRISTATE f/k/a RZ.

29. While in the course of her employment, Plaintiff was subjected to different terms and conditions of employment than male employees. Plaintiff was sexually harassed by her male supervisors, defendants ARIF and QUESHI, creating a hostile work environment for Plaintiff which was pervasive and severe.

30. The sexually harassing conduct and unequal and un  
was subjected consisted of negative comments about Plaintiff being a woman in the field, failing to provide Plaintiff with protective gear at the work site, requiring Plaintiff to perform demolition debris while male workers watched, holding up sign blank time sheets in order to receive her pay, and not sign blank time sheet hours equal to those worked by male Section 3 Resident workers.

31. Defendants had initially declined to hire Plaintiff. Defendants were reminded and directed by officials at DEBI of their legal obligation to hire 3 resident workers regardless of their gender.

32. Defendant ARIF did threaten to fire Plaintiff. Defendant ARIF did threaten to fire Plaintiff. Defendant QUESHI told Plaintiff to stop reporting RZ to the oversight agencies.

33. Defendants did terminate Plaintiff's employment. Plaintiff reported the unfair treatment to which she was being subjected by Defendants.

34. Plaintiff was constructively discharged from her employment on June 30, 2003 as a direct result of Defendants' hostile work environment and retaliation.

FIRST CAUSE OF ACTION:  
against Defendant RZ  
Discrimination in Violation of Title VII

35. Plaintiff repeats and realleges each allegation of this Complaint as though fully set forth herein.

36. By its action aforementioned, Defendant RZ subject Plaintiff on the basis of her gender in violation of Title VII.

37. In violating Title VII, Defendant RZ acted intentionally, maliciously, willfully and with reckless indifference to plaintiff's federally protected rights.

38. Plaintiff has suffered, is suffering, and, upon information, suffer irreparable injury caused by Defendant RZ's illegal conduct.

39. The violative conduct of Defendant RZ complained of above of equal employment opportunities, adversely affected plaintiff's equal employment opportunities, caused plaintiff to lose wages and benefits, to incur pecuniary and emotional distress and humiliation, and to incur attorneys' fees and costs.

SECOND CAUSE OF ACTION:  
against Defendant RZ  
Retaliation in Violation of Title VII

40. Plaintiff repeats and realleges each allegation of this Complaint as though fully set forth herein.

41. By terminating Plaintiff on April 4, 2005, Defendant RZ violated Title VII.

42. By constructively terminating Plaintiff, Defendant RZ violated Title VII.

43. This unjustified conduct against plaintiff having complained of and opposed Defendants' discriminatory conduct.

44. In violating Title VII, Defendant RZ acted intentionally, and in violating Title VII, Defendant RZ acted with reckless indifference to plaintiff's federally protected rights.

45. Plaintiff has suffered, is suffering, and, upon information and belief, will suffer irreparable injury caused by Defendant RZ's illegal and retaliatory conduct.

46. The violative conduct of Defendant RZ complained of The violative conduct of Defendant RZ has deprived plaintiff of equal employment opportunities, adversely affected her status as an equal employment opportunity, and has caused plaintiff to lose wages and benefits, to incur pecuniary and non-pecuniary losses, to suffer emotional distress and humiliation, and to incur attorneys' fees and costs.

THIRD CAUSE OF ACTION:  
against Defendant RZ  
Discrimination in Violation of The New York State Human Rights Law

47. Plaintiff repeats and realleges each allegation contained in this Complaint as though fully set forth herein.

48. By its action aforementioned, Defendant RZ subjected plaintiff to disparate treatment on the basis of her gender in violation of on the basis of her gender in violation of § 296.1 *et. seq.*

49. Plaintiff has suffered, is suffering, and, upon information and belief, will suffer irreparable injury caused by Defendant RZ's illegal conduct.

50. In violating Title VII, Defendant RZ acted intentionally, and in violating Title VII, Defendant RZ acted with reckless indifference to plaintiff's federally protected rights.

51. The violative conduct of Defendant RZ complained of The violative conduct of Defendant RZ has deprived plaintiff of equal employment opportunities, adversely affected her status as an equal employment opportunity, and has caused plaintiff to lose wages and benefits, to incur pecuniary and non-pecuniary losses, to suffer emotional distress and humiliation and to incur the costs of this action.

FOURTH CAUSE OF ACTION:  
against Defendant RZ  
Retaliation in Violation of The New York State Human Rights Law

52. Plaintiff repeats and realleges each allegation of this Complaint as though fully set forth herein.

53 TheThe complained of unjustified conduct againThe complained of unjustified conduct  
retaliation for Plaintiff having complained of and opposed Defendants discriminatory conduct.

54. Defendant's actions towards plaintiffDefendant's actions towards plaintiffDefenda  
plaintiff'splaintiff's employment becauseplaintiff's employment because of her protected activity, violatedp  
Law, N.Y. Exec. Law § 296.1

55. Defendant Defendant RZ knew Defendant RZ knew or should Defendant RZ knew or should  
State Human Rights Law.

56. By reason of Defendant RZ's violation of the New York State Human Rights Law, plaintiff lost wages and benefits, incurred pecuniary damages, and suffered mental distress and humiliation, and incurred the costs of this action.

FIFTH CAUSE OF ACTION:  
Violation of The New York City Human Rights Law

57. Plaintiff repeats and realleges each of the allegations of this Complaint as though fully set forth herein.

58. Defendant RZ's willful actions towards Defendant RZ's willful actions towards plaintiff her employment because of her gender violated the New York City Human Rights Law and Administrative Code.

59. Defendant RZ knew or should have known that Plaintiff was being discriminated against based on her race and ethnicity in violation of the NYC Human Rights Laws.

60. By reason of Defendant RZ's intentional and malicious violations of the NYC Human Rights Law, Plaintiffs



and non-pecuniary losses, suffered severe emotional distress and mental anguish as a result of the defendant's actions, and the costs of this action.

SIXTH CAUSE OF ACTION:  
Violation of The New York City Human Rights Law

61. Plaintiff repeats and realleges each allegation of this Complaint as though fully set forth herein.

62. TheThe complained of unjustified conduct The complained of unjustified conduct against Plaintiff having complained of and opposed Defendants' discriminatory conduct.

63. Defendant Defendant RZ's willful actions towards Plaintiff Defendant RZ's willful actions to employment because of her opposition to Defendants' conduct violated the New York City Human Rights Law, N.Y. Administrative Code.

64. Defendant RZ knew or should have known Defendant RZ knew or should have known NYC Human Rights Laws.

65. By reason of Defendant RZ's intentional andBy reason of Defendant RZ's intent its violations of the NYC Humanits violations of the NYC Human Rights Law, Plaintiffits violations of andand non-pecuniary losses, suand non-pecuniary losses, sufferedand non-pecuniary losses, suffered and no fees and the costs of this action.

**SEVENTH CAUSE OF ACTION**  
**(Aiding and Abetting against Defendant SULIMAN ARIF)**

66. Plaintiff repeats and realleges the allegations of this Complaint as though fully set forth herein.

67. Upon information and belief, defendant SULIMAN ARIF actually participated in discriminatory and retaliatory conduct against Plaintiff in that defendant Adiscriminato

defendantdefendant JAMAL QUERESHI in unjustly assigning, terminating and/or causing thedefendant JA  
Plaintiff because of Plaintiff s gender.

68. ByBy hBy hisBy hisBy his conductBy his conductBy his conduct coBy his conduct complained that Defendant, on or coerced the discrimination against Plaintiff on the basis of her gender and/or coerced the discrimination against Plaintiff on the basis of her protected activity, all in violation of New York State Human Rights Law §296.6.

69. AsAs a direct result oAs a direct result ofAs a direct result of As a direct result of defAs a direct  
Plaintiff,Plaintiff, Plaintiff has suffered and continues to suffer Plaintiff, Plaintiff has suffered and c  
suffering and mental anguish and incurred the costs of this action.

**EIGHTH CAUSE OF ACTION**  
**(Aiding and Abetting against Defendant JAMAL QUERESHI )**

70. Plaintiff repeats and realleges the allegations contained in each of this Complaint as though fully set forth herein.

71. Upon information and belief, defendant ARIF, in unjustly assigning, terminating and/or causing defendant ARIF, in unjust because of Plaintiff's gender.

72. ByBy his conduct complained of, Defendant QUERESHI aided aBy his conduct compa  
compelledcompelled or coerced the discriminationcompelled or coerced the discrimination and retaliation  
State Human Rights Law §296.6.

73. As a direct result of defendant QUERESHI's discriminatory and retaliatory conduct toward Plaintiff, Plaintiff has suffered and continues to suffer from emotional distress, suffering and mental anguish and incurred the costs of this action.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully demands judgment against defendant as follows:

On All Causes of Action:

A. Grant a permanent injunction against CONSTRUCTION CONSTRUCTION CORP, its officers, successors, and assigns, CONSTRUCTION CO practices which discriminate against employees;

B. Order TRISTATE f/k/a RZ CONSTRUCTION policies, programs and practices which provide equal employment opportunities to all employees of defendant company and which eradicate the effects of such practices;

On the First and Second Causes of Action:

C. An Order directing defendant TRISTATE f/k/a RZ to make plaintiff whole by providing damages in the amount of lost back pay with prejudgment interest, lost future pecuniary losses and compensatory damages for plaintiff's emotional anguish, and humiliation; for punitive damages; and for attorneys' fees, and costs incurred.

D. A judgment ordering defendant TRISTATE f/k/a RZ to make plaintiff whole by providing damages in the amount of lost back pay with prejudgment interest, lost future pecuniary losses and compensatory damages for plaintiff's emotional anguish, and humiliation; for punitive damages; and for attorneys' fees, and costs incurred.

On the Third and Fourth Causes of Action:

E. An Order directing defendant TRISTATE f/k/a RZ to make plaintiff whole by providing monetary damages in the amount of lost back pay with prejudgment interest, lost future pecuniary losses and compensatory damages for plaintiff's emotional anguish and humiliation; and for costs incurred.

On the Fifth and Sixth Causes of Action:

F. An Order directing defendant TRISTATE f/k/a RZ to make plaintiff whole by providing monetary damages in the amount of lost back pay with prejudgment interest, lost future pecuniary losses and compensatory damages for plaintiff's emotional anguish and humiliation; and for costs incurred.

pain,pain, suffering, mental anguish and pain, suffering, mental anguish and humiliationpain, suffering  
incurred.

On the Seventh Cause of Action:

G. AnAn award against de fendant SULIMAN ARIFAn award against defendant SULIMAN ARIF  
in the amount of \$500,000; and for costs incurred.

On the Eighth Cause of Action:

H. AnAn An award An award against defendant JAMAL QUERESHI to plaintiff of con  
damages in the amount of \$500,000; and for costs incurred.

Together with such other and further relief as to this Court may seem just and proper.

JURY TRIAL DEMANDED

Plaintiff demands a trial by jury on all issues properly before this Court and all questions  
of fact raised by this Complaint.

Dated: New Rochelle, New York  
March 14, 2005

Respectfully Submitted,

GOODSTEIN & WEST

By: /s/  
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